

REMARKS

In regard to Section 3 of the office action, the examiner stated that claims 30-37 are directed to an invention that is independent or distinct from the invention originally claimed. The examiner has made an error. Claims 30-37 are dependent upon claim 1. Thus, they are not independent or distinct from claim 1. As stated by applicants' attorney in the amendment filed 5/6/2004, claims 30-37 read on elected the Group I invention. Claims 30-37, because they are dependent upon claim 1, are drawn to the structures/structural elements of a system for adjusting an acoustic output. For example, claim 30 merely added additional details about the transmitter unit claimed in claim 1. As another example, claim 34 merely adds additional details about the sound generating system recited in claim 1. The examiner is requested to reconsider his decision to withdraw claims 30-37 from consideration as being directed to a non-elected invention.

Claims 1-14 and 23-29 were rejected under 35 U.S.C. §102(e) as being anticipated by Leenen (US 6,229,900). The examiner is requested to reconsider this rejection.

Claim 1 has been amended to clarify applicants' claimed invention. In particular, claim 1 claims that the sound generating system is an **entertainment** sound generating system with a sound generator adapted to output entertainment sound signals based upon input entertainment data. As noted in the application the invention could be used in home computers, home audio sound systems, home television/entertainment systems, automobile sound systems, headset sound players or

stereo headset such as found in public libraries and museums, and professional sound mixing studios, for example. The sound generator comprises a player adapted to play the entertainment data. Leenen relates to hearing aids 16, 18. A user can switch settings of the hearing aid by use of a remote control 14. There is no disclosure or suggestion in Leenen of an entertainment sound generating system comprising a sound generator adapted to output entertainment sound signals based upon input entertainment data. There is no disclosure or suggestion in Leenen of a sound generator comprising a player adapted to play the entertainment data. The features claimed in claim 1 are not disclosed or suggested in the cited art. Therefore, claim 1 is patentable and should be allowed.

Though dependent claims 2-14 and 30-37 contain their own allowable subject matter, these claims should at least be allowable due to their dependence from allowable claim 1. However, to expedite prosecution at this time, no further comment will be made. Claims 30-33 and 35-37 have been amended to correct obvious errors in the claims. The claims have not been narrowed or limited by these amendments.

Claim 23 has been amended above to clarify applicants' claimed invention. In particular, claim 23 claims a method of altering an electrical sound signal **in an entertainment sound system**. The method generates entertainment sound from a speaker or sound transducer of the entertainment sound system which is spaced from ears of the user. Leenen relates to hearing aids 16, 18. A user can switch settings of the hearing aid by use of a remote control 14. There is not disclosure or suggestion in Leenen of **an entertainment sound**

Appl. No.: 10/090,888
Reply to Office Action of: 7/21/2004

system or a method which generates entertainment sound from a speaker or sound transducer of the entertainment sound system which is spaced from ears of the user. The features of claim 23 are not disclosed or suggested in the art of record. Therefore, claim 23 is patentable and should be allowed.

Though dependent claims 24-29 contain their own allowable subject matter, these claims should at least be allowable due to their dependence from allowable claim 23. However, to expedite prosecution at this time, no further comment will be made.

Claims 38-40 have been added above to claim the features recited therein.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issue remain, the examiner is invited to call applicant's attorney at the telephone number indicated below.

Appl. No.: 10/090,888
Reply to Office Action of: 7/21/2004

Respectfully submitted,

Mark F. Harrington 10/8/04
Mark F. Harrington (Reg. No. 31,686) Date

Customer No.: 29683
Harrington & Smith, LLP
4 Research Drive
Shelton, CT 06484-6212
203-925-9400

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail on the date shown below in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

10/8/2004
Date

Elaine F. Mann
Name of Person Making Deposit